

1 AN ACT concerning wildlife.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Freedom of Information Act is amended by
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 Sec. 7.5. Statutory Exemptions. To the extent provided for
8 by the statutes referenced below, the following shall be exempt
9 from inspection and copying:

10 (a) All information determined to be confidential under
11 Section 4002 of the Technology Advancement and Development Act.

12 (b) Library circulation and order records identifying
13 library users with specific materials under the Library Records
14 Confidentiality Act.

15 (c) Applications, related documents, and medical records
16 received by the Experimental Organ Transplantation Procedures
17 Board and any and all documents or other records prepared by
18 the Experimental Organ Transplantation Procedures Board or its
19 staff relating to applications it has received.

20 (d) Information and records held by the Department of
21 Public Health and its authorized representatives relating to
22 known or suspected cases of sexually transmissible disease or
23 any information the disclosure of which is restricted under the

1 Illinois Sexually Transmissible Disease Control Act.

2 (e) Information the disclosure of which is exempted under
3 Section 30 of the Radon Industry Licensing Act.

4 (f) Firm performance evaluations under Section 55 of the
5 Architectural, Engineering, and Land Surveying Qualifications
6 Based Selection Act.

7 (g) Information the disclosure of which is restricted and
8 exempted under Section 50 of the Illinois Prepaid Tuition Act.

9 (h) Information the disclosure of which is exempted under
10 the State Officials and Employees Ethics Act, and records of
11 any lawfully created State or local inspector general's office
12 that would be exempt if created or obtained by an Executive
13 Inspector General's office under that Act.

14 (i) Information contained in a local emergency energy plan
15 submitted to a municipality in accordance with a local
16 emergency energy plan ordinance that is adopted under Section
17 11-21.5-5 of the Illinois Municipal Code.

18 (j) Information and data concerning the distribution of
19 surcharge moneys collected and remitted by wireless carriers
20 under the Wireless Emergency Telephone Safety Act.

21 (k) Law enforcement officer identification information or
22 driver identification information compiled by a law
23 enforcement agency or the Department of Transportation under
24 Section 11-212 of the Illinois Vehicle Code.

25 (l) Records and information provided to a residential
26 health care facility resident sexual assault and death review

1 team or the Executive Council under the Abuse Prevention Review
2 Team Act.

3 (m) Information provided to the predatory lending database
4 created pursuant to Article 3 of the Residential Real Property
5 Disclosure Act, except to the extent authorized under that
6 Article.

7 (n) Defense budgets and petitions for certification of
8 compensation and expenses for court appointed trial counsel as
9 provided under Sections 10 and 15 of the Capital Crimes
10 Litigation Act. This subsection (n) shall apply until the
11 conclusion of the trial of the case, even if the prosecution
12 chooses not to pursue the death penalty prior to trial or
13 sentencing.

14 (o) Information that is prohibited from being disclosed
15 under Section 4 of the Illinois Health and Hazardous Substances
16 Registry Act.

17 (p) Security portions of system safety program plans,
18 investigation reports, surveys, schedules, lists, data, or
19 information compiled, collected, or prepared by or for the
20 Regional Transportation Authority under Section 2.11 of the
21 Regional Transportation Authority Act or the St. Clair County
22 Transit District under the Bi-State Transit Safety Act.

23 (q) Information prohibited from being disclosed by the
24 Personnel Records Review Act.

25 (r) Information prohibited from being disclosed by the
26 Illinois School Student Records Act.

1 (s) Information the disclosure of which is restricted under
2 Section 5-108 of the Public Utilities Act.

3 (t) All identified or deidentified health information in
4 the form of health data or medical records contained in, stored
5 in, submitted to, transferred by, or released from the Illinois
6 Health Information Exchange, and identified or deidentified
7 health information in the form of health data and medical
8 records of the Illinois Health Information Exchange in the
9 possession of the Illinois Health Information Exchange
10 Authority due to its administration of the Illinois Health
11 Information Exchange. The terms "identified" and
12 "deidentified" shall be given the same meaning as in the Health
13 Insurance Accountability and Portability Act of 1996, Public
14 Law 104-191, or any subsequent amendments thereto, and any
15 regulations promulgated thereunder.

16 (u) Records and information provided to an independent team
17 of experts under Brian's Law.

18 (v) Names and information of people who have applied for or
19 received Firearm Owner's Identification Cards under the
20 Firearm Owners Identification Card Act.

21 (w) Personally identifiable information which is exempted
22 from disclosure under subsection (g) of Section 19.1 of the
23 Toll Highway Act.

24 (x) Information which is exempted from disclosure under
25 Section 5-1014.3 of the Counties Code or Section 8-11-21 of the
26 Illinois Municipal Code.

1 (y) Information which is exempted from disclosure under
2 Section 2.37 of the Wildlife Code.

3 (Source: P.A. 96-542, eff. 1-1-10; 96-1235, eff. 1-1-11;
4 96-1331, eff. 7-27-10; 97-80, eff. 7-5-11; 97-333, eff.
5 8-12-11; 97-342, eff. 8-12-11; 97-813, eff. 7-13-12; 97-976,
6 eff. 1-1-13.)

7 Section 10. The Wildlife Code is amended by changing
8 Section 2.37 as follows:

9 (520 ILCS 5/2.37) (from Ch. 61, par. 2.37)

10 Sec. 2.37. Authority to kill wildlife responsible for
11 damage. Subject to federal regulations and Section 3 of the
12 Illinois Endangered Species Act, the Department may authorize
13 owners and tenants of lands or their agents to remove or
14 destroy any wild bird or wild mammal when the wild bird or wild
15 mammal is known to be destroying property or causing a risk to
16 human health or safety upon his or her land.

17 Upon receipt by the Department of information from the
18 owner, tenant, or sharecropper that any one or more species of
19 wildlife is damaging dams, levees, ditches, cattle pastures, or
20 other property on the land on which he resides or controls,
21 together with a statement regarding location of the property
22 damages, the nature and extent of the damage, and the
23 particular species of wildlife committing the damage, the
24 Department shall make an investigation.

1 If, after investigation, the Department finds that damage
2 does exist and can be abated only by removing or destroying
3 that wildlife, a permit shall be issued by the Department to
4 remove or destroy the species responsible for causing the
5 damage.

6 A permit to control the damage shall be for a period of up
7 to 90 days, shall specify the means and methods by which and
8 the person or persons by whom the wildlife may be removed or
9 destroyed, and shall set forth the disposition procedure to be
10 made of all wildlife taken and other restrictions the Director
11 considers necessary and appropriate in the circumstances of the
12 particular case. Whenever possible, the specimens destroyed
13 shall be given to a bona-fide public or State scientific,
14 educational, or zoological institution.

15 The permittee shall advise the Department in writing,
16 within 10 days after the expiration date of the permit, of the
17 number of individual species of wildlife taken, disposition
18 made of them, and any other information which the Department
19 may consider necessary.

20 Subject to federal regulations and Section 3 of the
21 Illinois Endangered Species Act, the Department may grant to an
22 individual, corporation, association or a governmental body
23 the authority to control species protected by this Code. The
24 Department shall set forth applicable regulations in an
25 Administrative Order and may require periodic reports listing
26 species taken, numbers of each species taken, dates when taken,

1 and other pertinent information.

2 Drainage Districts shall have the authority to control
3 beaver provided that they must notify the Department in writing
4 that a problem exists and of their intention to trap the
5 animals at least 7 days before the trapping begins. The
6 District must identify traps used in beaver control outside the
7 dates of the furbearer trapping season with metal tags with the
8 district's name legibly inscribed upon them. During the
9 furtrapping season, traps must be identified as prescribed by
10 law. Conibear traps at least size 330 shall be used except
11 during the statewide furbearer trapping season. During that
12 time trappers may use any device that is legal according to the
13 Wildlife Code. Except during the statewide furbearer trapping
14 season, beaver traps must be set in water at least 10 inches
15 deep. Except during the statewide furbearer trapping season,
16 traps must be set within 10 feet of an inhabited bank burrow or
17 house and within 10 feet of a dam maintained by a beaver. No
18 beaver or other furbearer taken outside of the dates for the
19 furbearer trapping season may be sold. All animals must be
20 given to the nearest conservation officer or other Department
21 of Natural Resources representative within 48 hours after they
22 are caught. Furbearers taken during the fur trapping season may
23 be sold provided that they are taken by persons who have valid
24 trapping licenses in their possession and are lawfully taken.
25 The District must submit an annual report showing the species
26 and numbers of animals caught. The report must indicate all

1 species which were taken.

2 The location of traps or snares authorized under this
3 Section either by the Department or any other governmental body
4 with the authority to control species protected by this Code
5 shall be exempt from the provisions of the Freedom of
6 Information Act.

7 (Source: P.A. 97-813, eff. 7-13-12; 97-959, eff. 8-15-12.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.